

REMARKS

This paper is responsive to the Final Office Action mailed October 21, 2008. Claims 1, 3-7 and 10-14 were pending before submission of this paper. Claims 1, 3-7 and 10-14 stand rejected. Claims 13 and 14 are canceled. Claims 1, 3-7 and 10-12 are currently pending. Reconsideration of the claims in view of the following remarks is respectfully requested.

Claims Rejections under 35 U.S.C. § 112

Claims 1, 3-7 and 10-14 are rejected under 35 U.S.C 112, first paragraph, as failing to comply with the written description requirement. The Office Action states that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, the Office Action states that a limitation of claim 1 lacks support in the specification. Applicants respectfully disagree.

Claim 1 recites, in part, a "laser beam [that] is irradiated on... an area [of an optical disk] where light returned from said optical disc is not substantially detected." This limitation of claim 1 is sufficiently supported in the following passages of the specification:

- 1) On page 9, lines 8-11, "the objective lens is moved toward the radially inner side of the disc beyond the PCA in precedence to the laser light emission,"
- 2) On page 11, lines 4-7, "the projection of laser beam is performed in the defocused states with position of the objective lens being shift toward the radially inner side beyond the PCA," and
- 3) As shown in Fig. 1, an area where beam spot 104 is provided. This area is located on the optical disk inward or outward from a power calibration area (PCA). The area is generally transparent such that the area reflects substantially no laser light. Accordingly, reflected light is not substantially detected. This is in contrast to the other areas of the optical disk, such as the PCA or a recording management area (RMA), where data is read by reflection of light from a reflecting surface of the optical disk.

During optical power calibration (OPC) as recited in claim 1, a laser beam is irradiated on an area where light returned from said optical disk is not substantially detected. The irradiated area includes no information and, therefore, has no reason to be irradiated conventionally. As is well-known, OPC is performed through an independent detector disposed near a laser diode. As such, the OPC operation as recited in claim 1 provides an advantage of avoiding erroneous recording overwriting to the PCA or RMA even when recording on an eccentric or wobbly optical disk.

Claims 13 and 14 have been canceled rendering the rejection of these claims moot.

In view of the foregoing, Applicants believe that the allowable feature of claim 1 is properly enabled by the specification. Accordingly, withdrawal of the rejection of claims 1, 3-7 and 10-14 under 35 U.S.C 112 is respectfully requested.

Claims Rejections under 35 U.S.C. § 103

Claim 13 is rejected under 35 U.S.C 103(a) as being unpatentable over U.S. Patent No. 5,425,013 issued to *Fennema*. Claim 14 is rejected under 35 U.S.C 103(a) as being unpatentable over *Fennema* in view of U.S. Patent Publication No. 2002/0110065 to *Wang* and further in view of Applicants' admitted prior art.

Claims 13 and 14 have been canceled rendering the rejection of these claims moot. Accordingly, withdrawal of the rejection of claims 13 and 14 under 35 U.S.C 103(a) is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

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